

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

RON KLOSOWSKI,

Plaintiff,

Case No. 15-cv-10636

Lower Court No.: 13-3496-NZ

-vs-

CITY OF BAY CITY and JOE LEDESMA,  
jointly and severally,

Defendants.

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MANDEL I. ALLWEIL (P34115)  
Hurlburt, Tsilos & Allweil, PC  
Attorneys for Plaintiff  
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**PETITION/NOTICE OF REMOVAL OF ACTION**

The Defendants, City of Bay City and Joe Ledesma, by and through their attorneys, Cummings, McClorey, Davis & Acho, PLC, for their Petition/Notice of Removal of Action, provide as follows:

1. On August 1, 2013, Plaintiff filed a three-Count Complaint in the Circuit Court for the County of Bay alleging purely state law claims, Count I, Tortious Interference with a Business Relationship, Count II, Tortious Interference

with a Contractual Relationship, and Count III, Violations of Michigan Public Policy and the Michigan Constitution (**Ex. A**).

2. On January 29, 2015, Plaintiff filed a First Amended Complaint alleging in an added Count IV a violation of the United States Constitution, First Amendment Free Speech, redressable pursuant to 42 USC § 1983. (**Ex. B**).

3. The First Amended Complaint was served on Counsel for Defendants on February 10, 2015.

4. Count IV of Plaintiff's Complaint alleges a violation of the First Amendment of the United States Constitution redressable pursuant to 42 USC § 1983. This claim arises under the United States Constitution and the laws of the United States, and is therefore within this Court's original jurisdiction as defined by 28 USC § 1331.

5. Removal of this litigation from the Circuit Court for the County of Bay to this Court is proper pursuant to 28 USC § 1441.

6. Defendants have properly and timely filed Notice of Removal within (thirty) 30 days of service of the First Amended Complaint as required by 28 USC § 1446. (**Ex. C**).

WHEREFORE, the Defendants, City of Bay City and Joe Ledesma, respectfully request this Honorable Court grant their Petition for Removal, and remove this case from the Circuit Court for the County of Bay to the United States District for the Eastern District of Michigan, Northern Division.

Respectfully Submitted,

*Cummings, McClorey, Davis & Acho, PLC*

By: /s/ TIMOTHY S. FERRAND (P39583)  
Attorney for Defendants  
19176 Hall Road, Suite 220  
Clinton Township, MI 48038  
(586) 228-5600

Dated: February 19, 2015 tferrand@cmda-law.com

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**BRIEF IN SUPPORT OF PETITION/NOTICE OF REMOVAL OF ACTION**

The Defendants, City of Bay City and Joe Ledesma, rely upon 28 USC § 1331, 1441, and 1446 in support of their Petition/Notice of Removal of Action.

Respectfully Submitted,

*Cummings, McClorey, Davis & Acho, PLC*

By: /s/ TIMOTHY S. FERRAND (P39583)  
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Dated: February 19, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on February 19, 2015 I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record and I hereby certify that I have mailed by United States Postal Service the paper to the following: Mandel I. Allweil, Hurlburt, Tsilos & Allweil, PC, 821 S. Michigan Ave., P.O. Box 3237, Saginaw, MI 48605

*Cummings, McClorey, Davis & Acho, PLC*

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